

**SPECIAL SESSION**

**JOURNAL OF THE FLORIDA SENATE**

**Wednesday, June 16, 1971**

The Senate was called to order by the President at 10:00 a.m.  
A quorum present—46:

Mr. President	de la Parte	Karl	Saunders
Arnold	Ducker	Knopke	Sayler
Barron	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Gunter	McClain	Ware
Bishop	Haverfield	Myers	Weber
Boyd	Henderson	Ott	Weissenborn
Brantley	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	
Deeb	Johnson (34th)	Reuter	

Excused: Senators Brannen and Broxson.

Prayer by Senator Bishop:

Our Heavenly Father, We thank you for this day and for the privilege of assembling here. In these waning days of this session, we especially need your guidance. Grant to us that this group will be conscious of your holy presence, and may that presence impart wisdom and knowledge to each one commensurate to his responsibility. And in our haste, let us not forget to be diligent, patient and humble. We pray in Jesus' name, Amen.

The Journal of June 15 was corrected and approved.

**ENGROSSING REPORT**

Your Engrossing Clerk to whom was referred SB 25-C with 3 amendments reports that the Senate amendments have been incorporated and the bill is returned herewith.

**ELMER O. FRIDAY**  
Secretary of the Senate

The bill was certified to the House.

By direction of the President, the Secretary read the following—

**PROCLAMATION**

State of Florida  
Office of the Governor  
Tallahassee

**TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND HOUSE OF REPRESENTATIVES:**

WHEREAS, the Legislature of the State of Florida is now in Special Session, having been convened pursuant to Proclamation of the Governor issued and filed with the Secretary of State on the 4th day of June A. D. 1971, as superseded by Proclamation of the Governor issued and filed with the Secretary of State on the 9th day of June A. D. 1971, and

WHEREAS, the Legislature adjourned the Regular Session of 1971 sine die without enacting certain urgently needed legislation as set forth as described in paragraph one (1) below, and

WHEREAS, it is necessary to amend the Proclamation of the Governor dated the 9th day of June A. D. 1971, in order to permit the Legislature to take up, consider, and enact such urgently needed legislation;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, Governor of the State of Florida, in obedience to my constitutional duty

and by virtue of the power and authority vested in me by Section 3, Article III, Constitution of Florida (1968), do hereby proclaim as follows:

1. That paragraph two (2) of the Proclamation of the Governor dated the 9th day of June A. D. 1971, is amended to read:

"2. That the Legislature of the State of Florida is convened for the sole and exclusive purpose of considering the enactment of the following:

(a) A General Appropriations Bill,

(b) Such legislation as is necessary to adequately and properly finance the General Appropriations Bill,

(c) Such other legislation as is incorporated in, implementing of, or otherwise referred to in the General Appropriations Bill.

(d) Legislation relating to financing of local governments including the expiration date of millage limitations.

(e) Legislation relating to outdoor advertising, prohibiting the erection of outdoor signs in certain areas, and amending parts of Chapter 479, Florida Statutes, in order to comply with the Federal Highway Standards and criteria.

(f) Legislation relating to regional transportation authorities.

(g) Legislation relating to dissolution of marriage, amending provision in Chapter 69, Florida Statutes.

(h) Legislation relating to the ad valorem tax exemption of property leased from governmental units by non-governmental lessees.

(i) Legislation relating to ad valorem taxation, providing changes in the procedures for determination of full value assessment and ratio studies relating thereto.

(j) Legislation relating to the reorganization of the Department of Commerce."

2. Except as amended by this Proclamation, the Proclamation of the Governor dated the 9th day of June A. D. 1971, is ratified and confirmed.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 16th day of June A. D. 1971.

**REUBIN O'D. ASKEW**  
Governor

ATTEST:  
**RICHARD (DICK) STONE**  
Secretary of State

The following bills were referred to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same are within the purview of the call of the Governor:

By Senators Knopke, Gunter, Daniel, Childers, Ducker, Poston, Plante, Bishop, Henderson, Weissenborn and Sayler—

SB 32-C—A bill to be entitled An act relating to the game and fresh water fish commission; providing an appropriation to the commission for the purpose of identifying and destroying the source of a certain malady infecting the fresh waters of central Florida; providing an effective date.

By Senator Barron—

**SB 33-C**—A bill to be entitled An act relating to dissolution of marriage; providing a state policy concerning dissolution of marriages; changing the word divorce to dissolution of marriage; creating section 61.043, Florida Statutes, to provide procedures for dissolution of marriage; creating section 61.044, Florida Statutes, to abolish certain defenses; creating section 61.052, Florida Statutes, to establish a basis for dissolution of marriage; providing that children of a dissolved marriage are legitimate; providing for alimony for either spouse and a proceeding in case of nonsupport; providing for child support by either parent and for child custody; providing for attorney's fees and costs to be paid by either party; repealing sections 61.041, 61.042, 61.051 and 61.15, Florida Statutes; providing an effective date.

By Senator Thomas—

**SCR 34-C**—A Concurrent Resolution requesting the parole and probation commission to review certain prior convictions under Florida Statutes relating to marijuana and other derivatives of the hemp plant.

By Senators Gunter and de la Parte—

**SB 35-C**—A bill to be entitled An act authorizing the Florida Nuclear and Space Council to embark upon a program of maintaining the Kennedy Space Center and Cape Kennedy Missile Launch Complex as a focal point in operations of the launch facilities in the nation's space program; providing an effective date.

## SECOND READING

**SB 20-C**—A bill to be entitled An act relating to motor fuels; amending §208.08(3), Florida Statutes, as amended and transferred by chapter 70-995, Laws of Florida, to §206.45(3), Florida Statutes, and creating §§206.45(4) and 206.605, Florida Statutes, to require payment of an additional one cent (1¢) tax on each gallon of motor fuel sold or brought into the state by a distributor; designating use for counties and cities and manner of apportionment and disbursement; requiring a five (5) year plan as a prerequisite to obtaining funds; setting deadlines for compliance; amending §§206.57 and 206.87, Florida Statutes, to reflect the increase in tax levy; amending §206.91, Florida Statutes, in connection with deduction allowed dealer; providing an effective date.

Was taken up, having been read the second time on May 15 and retained on second reading.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator Poston:

**Amendment 1**—On page 3, after line 9, section 2, insert the following: No deduction from these funds shall be made for the service charge provided in sections 215.20 and 215.22, Florida Statutes.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator Poston:

**Amendment 2**—On page 5, line 18, section 2, strike "administrate" and insert: administer

Senators Daniel, Sayler and Beaufort offered the following amendment which was adopted on motion by Senator Daniel:

**Amendment 3**—On page 4, line 19, section 2, strike all of line 19 through line 5 on page 5

Senators Arnold and Poston offered the following amendment which was moved by Senator Arnold:

**Amendment 4**—On page 7, line 17, strike "Section 6. This act shall take effect July 1, 1971." and insert: Section 6. Chapter 206, Florida Statutes, is amended by adding Section 206.961:

206.961 A duly licensed dealer who uses special fuel in motor vehicles, a portion of which is consumed for purposes other than the propulsion of the motor vehicle, such as power take-off units, or combustion heaters, shall be entitled to a credit or refund of the tax imposed by Section 206.87 on that portion of the special fuel which is consumed for purposes other than the propulsion of the motor vehicle. Said credit or refund shall be in accordance with the Rules and Regulations promulgated by the Department.

Section 7. This act shall take effect July 1, 1971.

Senators Weissenborn and Poston offered the following amendment to amendment 4 which was moved by Senator Weissenborn and failed:

**Amendment 4(a)**—Following "Department." insert: This section shall only be applicable to motor vehicles having separate engines for power take-off units and for combustion heaters and for the other portions of said motor vehicles which are used for purposes other than the propulsion of said motor vehicles.

The question recurred on the adoption of amendment 4 which was adopted by the following vote:

Yeas—17

Arnold	Fincher	Lane	Trask
Barrow	Henderson	Ott	Weber
Beaufort	Hollahan	Poston	
Brantley	Johnson (29th)	Scarborough	
Childers	Johnson (34th)	Stolzenburg	

Nays—13

Mr. President	Graham	Plante	Wilson
Bell	Haverfield	Pope	
Deeb	Lewis (33rd)	Ware	
Ducker	Lewis (43rd)	Weissenborn	

By unanimous consent, Senator Boyd was recorded as voting yea; Senator Myers as voting nay; Senator Lewis (33rd) changed his vote from nay to yea.

On motion by Senator Wilson the following amendment was adopted:

**Amendment 5**—On page 2, line 7, section 1, insert after line 7:

(1) The first gas tax, after withholding fifty thousand dollars to be used as a revolving cash balance in the "gas tax collection trust fund," except as provided in §206.625 shall be transferred into the "state roads trust fund," which fund is created for use as provided by law.

(2) The second gas tax shall be remitted to the "state board of administration" for distribution as provided in the Constitution.

Senators Arnold and Poston offered the following amendment which was adopted on motion by Senator Arnold:

**Amendment 6**—On page 1, line 22 in title, strike "providing an effective date." and insert: adding Section 206.961, Florida Statutes, granting exemptions to certain dealers; providing an effective date.

Senator Scarborough moved the adoption of the following amendment which failed:

**Amendment 7**—On page 3, line 2, section 2(2), strike (2) and renumber

Senator Scarborough moved the adoption of the following amendment:

**Amendment 8**—On page 3, line 5, section 2(2) between the words "streets and" insert the following: , developing and maintaining mass transportation systems

Senator Myers was excused.

Senators Graham, Poston, Lewis (43rd), Weissenborn and Hollahan offered the following substitute amendment for amendment 8, which was moved by Senator Graham:

**Amendment 9**—On page 3, lines 5 and 6, section 2, strike the second "and" on line 5, on line 6, after the comma (,) insert the following: and the construction, reconstruction, maintenance, and operation of "transportation facilities," as defined in Section 334.022(3), 1970 Supplement to Florida Statutes, 1969.

Amendment 9 was adopted by the following vote:

Yeas—24

Brantley	Henderson	Lewis (43rd)	Sayler
Daniel	Hollahan	McClain	Scarborough
Deeb	Johnson (29th)	Plante	Trask
Graham	Johnson (34th)	Pope	Ware
Gunter	Karl	Poston	Weissenborn
Haverfield	Knopke	Reuter	Wilson

Nays—13

Mr. President	Beaufort	Fincher	Stolzenburg
Arnold	Bell	Lane	
Barron	Bishop	Lewis (33rd)	
Barrow	Ducker	Ott	

Senator Myers was recorded present.

Senators Graham, Poston, Lewis (43rd), Weissenborn and Hollahan offered the following amendment which was adopted on motion by Senator Graham:

**Amendment 10**—On page 4, lines 13 and 14, section 2, strike the second "and" on line 13, and the period (.) on line 14 and insert the following: after the word "construction," and the construction, reconstruction, maintenance, and operation of transportation facilities.

Senator Lewis (43rd) moved the adoption of the following amendment:

**Amendment 11**—On pages 5 and 6, strike lines 28 and 29 on page 5 and lines 1 through and including 18 on page 6, and insert the following:

(1) *Except as provided in section 206.606, Florida Statutes, a tax of eight ~~seven~~ cents (8¢) per gallon is fixed and levied on all motor vehicle fuel carried in reserve motor vehicle reservoirs upon which other gasoline taxes of the state have not been paid, and such tax shall be paid into the state treasury to the credit of the general revenue fund.*

Section 4. Subsection (1) of section 206.87, Florida Statutes, is amended to read:

206.87 Levy of tax.—

(1) *Except as provided in section 206.606, Florida Statutes, an excise tax of eight ~~seven~~ cents (8¢) per gallon is hereby imposed upon every gallon of special fuel used or sold in this state for use. Unless expressly provided to the contrary in this part, every sale shall be deemed to be for use in this state. This levy of tax is upon the consumer but shall be paid upon the first sale or transfer of title within this state by a dealer, except as expressly provided in this part, who shall act as agent for the state in the collection of said tax whether he be the ultimate seller or not.*

Section 5. Section 206.606, Florida Statutes, is created to read:

206.606 *Eighth cent gas tax effective pursuant to referendum only.—The additional eighth cent gas tax provided in section 206.605, Florida Statutes, shall be effective in a metropolitan*

*home rule government, consolidated county government, charter county, municipality or an unincorporated area of any county in this state only upon the approval of a majority of the electors respectively therein voting in a referendum election to be held as provided by law.*

(and renumber remaining sections accordingly)

On motion by Senator Hollahan, by two-thirds vote, debate on the foregoing amendment and all other amendments was limited to 15 minutes and debate on final passage of SB 20-C was limited to 15 minutes.

Amendment 11 failed of adoption.

Senators Wilson and Deeb offered the following amendment which was adopted on motion by Senator Wilson:

**Amendment 12**—On page 3, line 23, section 2, strike "federal census" and insert: official census

Senator Weissenborn moved the adoption of the following amendment:

**Amendment 13**—On page 1, line 26, section 1, strike all of lines 26 through 29 on page 1 and all of lines 1 through 10 on page 2 and insert: Section 1. Subsection (4) of section 206.45 Florida Statutes, as amended by chapter 70-995, Laws of Florida, is hereby created to read:

206.45 Payment of tax into state treasury.—

Senators Graham and Hollahan offered the following substitute amendment for amendment 13 which was adopted on motion by Senator Graham:

**Amendment 14**—On page 2, line 9, section 1 after the numerals "206.60," insert: As such may be amended by House Bill 1681, of the 1971 legislature.

Senators Graham and Hollahan offered the following amendment which was adopted on motion by Senator Graham:

**Amendment 15**—In title, lines 15-17, strike all after semicolon on line 15 and all of lines 16 and 17

On motion by Senator Poston, by two-thirds vote, SB 20-C as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

Mr. President	Ducker	Lane	Scarborough
Arnold	Graham	Lewis (33rd)	Stolzenburg
Beaufort	Gunter	McClain	Trask
Bell	Henderson	Myers	Ware
Bishop	Hollahan	Plante	Weber
Boyd	Horne	Pope	Weissenborn
Brantley	Johnson (29th)	Poston	Williams
Childers	Johnson (34th)	Reuter	Wilson
Daniel	Karl	Saunders	
Deeb	Knopke	Sayler	

Nays—2

Haverfield      Lewis (43rd)

By unanimous consent, Senator Barrow was recorded as voting nay; Senators de la Parte and Fincher as voting yea.

On motion by Senator Hollahan, it was agreed by two-thirds vote that when the Senate adjourns, it adjourn to reconvene at 10:00 a.m., June 17.

On motion by Senator Hollahan, the Senate adjourned at 12:12 p.m. to reconvene at 10:00 a.m., June 17, 1971.